

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THOMAS EDWARD CHAPMAN,

Plaintiff,

-vs-

Case No. 15-C-533

**YELLOW CAB COOPERATIVE,
WISCONSIN DEPARTMENT OF FINANCIAL INSTITUTIONS,
OFFICE OF SECRETARY OF STATE,
ALI MOHAMAD, and GIRI PARSHUA,
Defendants.**

DECISION AND ORDER

Pro se Plaintiff Thomas Edward Chapman (“Chapman”) filed a motion to amend his complaint to add Dennis Edwards (“Edwards”), owner of taxicab #123, as a Defendant in this action. (ECF No. 11.) Chapman relies upon Defendant Yellow Cab Cooperative’s (“Yellow Cab”) purported statement to the State of Wisconsin Department of Workforce Development that Edwards and Defendant Giri Parshua, rather than Yellow Cab, made the decision to terminate Chapman’s employment.

Chapman is advised that Rule 15(a) of the Federal Rules of Civil Procedure affords him the opportunity to amend his Complaint once as a matter of course within 21 days of serving it or, if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b),

(e), or (f), whichever is earlier. As such, if Chapman satisfies the foregoing requirements of Rule 15(a), he need not file a motion.


However, Chapman's motion cannot be deemed to have amended his Complaint, because it does not include the allegations of the original Complaint or the exhibits that he attached to that pleading. Chapman is advised that the amended complaint supersedes the prior complaint and must be complete in itself. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056-57 (7th Cir. 1998); *See also Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n.1 (7th Cir. 2004). In such instances, the "prior pleading is in effect withdrawn as to all matters not restated in the amended pleading[.]" *Duda*, 133 F.3d at 1057 (citation omitted). To amend his Complaint, Chapman must file an amended Complaint that includes all the original allegations that he intends to pursue in this action, exhibits that he wants to attach, and the added allegations against Edwards.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Chapman's motion to amend his complaint (ECF No. 11) is
DENIED.

Dated at Milwaukee, Wisconsin, this 10th day of June, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge